



Atty Doc. No. HME/7679.0012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION EXAMINING OPERATIONS

In re the Application of :
Yunik Chang and Gordon Dow : Group Art Unit: 1623
Serial No. 10/033,835 : Examiner: Leigh C. Maier
Filed: December 24, 2001 : Date: September 22, 2003
For a Patent for :
AQUEOUS COMPOSITIONS CONTAINING :
METRONIDAZOLE :

RECEIVED
OCT 01 2003
TECH CENTER 1600/2900

THIRD INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits herewith copies of patents and publications of which he is aware and which he desires to have considered by the Patent Office in accordance with 37 CFR §1.97. In accordance with 37 CFR §1.97(c), each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement, and the fee set forth in 37 CFR §1.17(p) is submitted herewith..

In accordance with 37 CFR §1.97(h), the filing of this Information Disclosure Statement will not be regarded as an admission that any patent or publication or combination of patents referred to herein is, or is considered to be, material to patentability under 37 CFR §1.56(b) unless specifically designated as such.

A list of the patents and publications enclosed herewith is set forth on the attached 2 pages of Information Disclosure Statement by Applicant.

The person making this statement is the attorney who signs below on the basis of the information supplied by the inventor and the information in his file.

Respectfully submitted,



Howard M. Eisenberg
Reg. No. 36,789
1600 ODS Tower
601 S.W. Second Avenue
Portland, OR 97204-3157
Attorney for Applicant
Tel: (503) 227-5631

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 22, 2003.

Dated: _____

9/22/03



Howard M. Eisenberg



1623\$

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/033,835
		Filing Dat	December 24, 2001
		First Nam d Inventor	Yunik Chang
		Group Art Unit	1623
		Examiner Name	Leigh C. Maier
Total Number of Pages in this Submission	5*	Attorney Docket Number	HME/7679.0012

RECEIVED
OCT 01 2003
TECH CENTER 1600/2900

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee transmittal form <input checked="" type="checkbox"/> Fee attached <input type="checkbox"/> Amendment <input type="checkbox"/> After Final/ Response <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing Related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosures (identify below) 1 US Patent Reference 1 Non-US Patent Reference
Remarks: * - plus enclosed references		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT	
Firm or Individual Name	Howard Eisenberg, Esq. 1600 ODS Tower, 601 Second Avenue Portland, Oregon 97204
Signature	
Date	September 22, 2003

CERTIFICATE OF MAILING			
I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, <input checked="" type="checkbox"/> with sufficient postage as first class mail <input type="checkbox"/> as "Express Mail Post Office to Addressee" - mailing label no. _____			
Typ or print name	Howard Eisenberg		
Signature		Date	Septemb r 22, 2003



FEE TRANSMITTAL for FY 2003 <i>Patent fees are subject to annual revision.</i>		Complete If Known																																																																																																																																																																	
		Application Number	10/033,835																																																																																																																																																																
		Filing Date	December 24, 2001																																																																																																																																																																
		First Named Inventor	Yunik Chang																																																																																																																																																																
		Examiner Name	Leigh C. Maier																																																																																																																																																																
		Art Unit	1623																																																																																																																																																																
		Attorney Docket No.	HME/7679.0012																																																																																																																																																																
<input type="checkbox"/> Applicant claims small entity status. See 37CFR 1.27																																																																																																																																																																			
TOTAL AMOUNT OF PAYMENT		\$180																																																																																																																																																																	
METHOD OF PAYMENT (check all that apply)																																																																																																																																																																			
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None																																																																																																																																																																			
<input type="checkbox"/> Deposit Account																																																																																																																																																																			
Deposit Account Number		50-1773																																																																																																																																																																	
Deposit Account Name		Howard Eisenberg, Esq.																																																																																																																																																																	
The Commissioner is authorized to: (check all that apply)																																																																																																																																																																			
<input checked="" type="checkbox"/> Charge fees indicated below <input checked="" type="checkbox"/> Credit any overpayments																																																																																																																																																																			
<input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application																																																																																																																																																																			
<input checked="" type="checkbox"/> Charge any fee(s) indicated below, except for the filing fee to the above-identified deposit account.																																																																																																																																																																			
FEE CALCULATION		FEE CALCULATION (continued)																																																																																																																																																																	
1. BASIC FILING FEE		3. ADDITIONAL FEES																																																																																																																																																																	
<table border="1"><thead><tr><th>Large Entity</th><th>Small Entity</th><th>Fee Description</th><th>Fee Paid</th></tr><tr><th>Code (\$)</th><th>Code (\$)</th><th></th><th></th></tr></thead><tbody><tr><td>1001 740</td><td>2001 370</td><td>Utility filing fee</td><td></td></tr><tr><td>1002 330</td><td>2002 165</td><td>Design filing fee</td><td></td></tr><tr><td>1003 510</td><td>2003 255</td><td>Plant filing fee</td><td></td></tr><tr><td>1004 740</td><td>2004 370</td><td>Reissue filing fee</td><td></td></tr><tr><td>1005 160</td><td>2005 80</td><td>Provisional filing fee</td><td></td></tr><tr><td colspan="3">SUBTOTAL (1)</td><td>\$0</td></tr></tbody></table>		Large Entity	Small Entity	Fee Description	Fee Paid	Code (\$)	Code (\$)			1001 740	2001 370	Utility filing fee		1002 330	2002 165	Design filing fee		1003 510	2003 255	Plant filing fee		1004 740	2004 370	Reissue filing fee		1005 160	2005 80	Provisional filing fee		SUBTOTAL (1)			\$0	<table border="1"><thead><tr><th>Large Entity</th><th>Small Entity</th><th>Fee Description</th><th>Fee Paid</th></tr><tr><th>Fee Code (\$)</th><th>Fee Code (\$)</th><th></th><th></th></tr></thead><tbody><tr><td>1051 130</td><td>2051 65</td><td>Surcharge - late filing fee or oath</td><td></td></tr><tr><td>1052 50</td><td>2052 25</td><td>Surcharge-late provisional filing fee or cover sheet</td><td></td></tr><tr><td>1053 130</td><td>1053 130</td><td>Non-English specification</td><td></td></tr><tr><td>1812 2,520</td><td>1812 2,520</td><td>For filing a request for ex-parte reexamination</td><td></td></tr><tr><td>1804 920*</td><td>1804 920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr><tr><td>1805 1840*</td><td>1805 1840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr><tr><td>1251 110</td><td>2251 55</td><td>Extension for reply within first month</td><td></td></tr><tr><td>1252 400</td><td>2252 200</td><td>Extension for reply within second month</td><td></td></tr><tr><td>1253 920</td><td>2253 460</td><td>Extension for reply within third month</td><td></td></tr><tr><td>1254 1,440</td><td>2254 720</td><td>Extension for reply within fourth month</td><td></td></tr><tr><td>1255 1,960</td><td>2255 980</td><td>Extension for reply within fifth month</td><td></td></tr><tr><td>1401 320</td><td>2401 160</td><td>Notice of Appeal</td><td></td></tr><tr><td>1402 320</td><td>2402 160</td><td>Filing a brief in support of an appeal</td><td></td></tr><tr><td>1403 280</td><td>2403 140</td><td>Request for oral hearing</td><td></td></tr><tr><td>1451 1,510</td><td>1451 1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr><tr><td>1452 110</td><td>2452 55</td><td>Petition to revive - unavoidable</td><td></td></tr><tr><td>1453 1,280</td><td>2453 640</td><td>Petition to revive - unintentional</td><td></td></tr><tr><td>1501 1,280</td><td>2501 640</td><td>Utility issue fee (or reissue)</td><td></td></tr><tr><td>1502 460</td><td>2502 230</td><td>Design issue fee</td><td></td></tr><tr><td>1503 620</td><td>2503 310</td><td>Plant issue fee</td><td></td></tr><tr><td>1460 130</td><td>1460 130</td><td>Petitions to the Commissioner</td><td></td></tr><tr><td>1807 50</td><td>1807 50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr><tr><td>1806 180</td><td>1806 180</td><td>Submission of Information Disclosure Stmt.</td><td>180</td></tr><tr><td>8021 40</td><td>8021 40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr><tr><td>1809 740</td><td>2809 370</td><td>Filing a submission after final rejection (37 C.F.R. 1.129(a))</td><td></td></tr><tr><td>1810 740</td><td>2810 370</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr><tr><td>1801 740</td><td>2801 370</td><td>Request for Continued Examination (RCE)</td><td></td></tr><tr><td>1802 900</td><td>1802 900</td><td>Request for expedited examination of a design application</td><td></td></tr><tr><td colspan="2">Other fee (specify)</td><td colspan="2"></td></tr><tr><td colspan="2">* Reduced by Basic Filing Fee Paid</td><td colspan="2">SUBTOTAL (3) \$180</td></tr></tbody></table>		Large Entity	Small Entity	Fee Description	Fee Paid	Fee Code (\$)	Fee Code (\$)			1051 130	2051 65	Surcharge - late filing fee or oath		1052 50	2052 25	Surcharge-late provisional filing fee or cover sheet		1053 130	1053 130	Non-English specification		1812 2,520	1812 2,520	For filing a request for ex-parte reexamination		1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action		1805 1840*	1805 1840*	Requesting publication of SIR after Examiner action		1251 110	2251 55	Extension for reply within first month		1252 400	2252 200	Extension for reply within second month		1253 920	2253 460	Extension for reply within third month		1254 1,440	2254 720	Extension for reply within fourth month		1255 1,960	2255 980	Extension for reply within fifth month		1401 320	2401 160	Notice of Appeal		1402 320	2402 160	Filing a brief in support of an appeal		1403 280	2403 140	Request for oral hearing		1451 1,510	1451 1,510	Petition to institute a public use proceeding		1452 110	2452 55	Petition to revive - unavoidable		1453 1,280	2453 640	Petition to revive - unintentional		1501 1,280	2501 640	Utility issue fee (or reissue)		1502 460	2502 230	Design issue fee		1503 620	2503 310	Plant issue fee		1460 130	1460 130	Petitions to the Commissioner		1807 50	1807 50	Processing fee under 37 CFR 1.17(q)		1806 180	1806 180	Submission of Information Disclosure Stmt.	180	8021 40	8021 40	Recording each patent assignment per property (times number of properties)		1809 740	2809 370	Filing a submission after final rejection (37 C.F.R. 1.129(a))		1810 740	2810 370	For each additional invention to be examined (37 CFR 1.129(b))		1801 740	2801 370	Request for Continued Examination (RCE)		1802 900	1802 900	Request for expedited examination of a design application		Other fee (specify)				* Reduced by Basic Filing Fee Paid		SUBTOTAL (3) \$180	
Large Entity	Small Entity	Fee Description	Fee Paid																																																																																																																																																																
Code (\$)	Code (\$)																																																																																																																																																																		
1001 740	2001 370	Utility filing fee																																																																																																																																																																	
1002 330	2002 165	Design filing fee																																																																																																																																																																	
1003 510	2003 255	Plant filing fee																																																																																																																																																																	
1004 740	2004 370	Reissue filing fee																																																																																																																																																																	
1005 160	2005 80	Provisional filing fee																																																																																																																																																																	
SUBTOTAL (1)			\$0																																																																																																																																																																
Large Entity	Small Entity	Fee Description	Fee Paid																																																																																																																																																																
Fee Code (\$)	Fee Code (\$)																																																																																																																																																																		
1051 130	2051 65	Surcharge - late filing fee or oath																																																																																																																																																																	
1052 50	2052 25	Surcharge-late provisional filing fee or cover sheet																																																																																																																																																																	
1053 130	1053 130	Non-English specification																																																																																																																																																																	
1812 2,520	1812 2,520	For filing a request for ex-parte reexamination																																																																																																																																																																	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																	
1805 1840*	1805 1840*	Requesting publication of SIR after Examiner action																																																																																																																																																																	
1251 110	2251 55	Extension for reply within first month																																																																																																																																																																	
1252 400	2252 200	Extension for reply within second month																																																																																																																																																																	
1253 920	2253 460	Extension for reply within third month																																																																																																																																																																	
1254 1,440	2254 720	Extension for reply within fourth month																																																																																																																																																																	
1255 1,960	2255 980	Extension for reply within fifth month																																																																																																																																																																	
1401 320	2401 160	Notice of Appeal																																																																																																																																																																	
1402 320	2402 160	Filing a brief in support of an appeal																																																																																																																																																																	
1403 280	2403 140	Request for oral hearing																																																																																																																																																																	
1451 1,510	1451 1,510	Petition to institute a public use proceeding																																																																																																																																																																	
1452 110	2452 55	Petition to revive - unavoidable																																																																																																																																																																	
1453 1,280	2453 640	Petition to revive - unintentional																																																																																																																																																																	
1501 1,280	2501 640	Utility issue fee (or reissue)																																																																																																																																																																	
1502 460	2502 230	Design issue fee																																																																																																																																																																	
1503 620	2503 310	Plant issue fee																																																																																																																																																																	
1460 130	1460 130	Petitions to the Commissioner																																																																																																																																																																	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)																																																																																																																																																																	
1806 180	1806 180	Submission of Information Disclosure Stmt.	180																																																																																																																																																																
8021 40	8021 40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																	
1809 740	2809 370	Filing a submission after final rejection (37 C.F.R. 1.129(a))																																																																																																																																																																	
1810 740	2810 370	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																																																	
1801 740	2801 370	Request for Continued Examination (RCE)																																																																																																																																																																	
1802 900	1802 900	Request for expedited examination of a design application																																																																																																																																																																	
Other fee (specify)																																																																																																																																																																			
* Reduced by Basic Filing Fee Paid		SUBTOTAL (3) \$180																																																																																																																																																																	
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE																																																																																																																																																																			
<table border="1"><thead><tr><th>Total Claims</th><th>Extra Claims</th><th>Fee from below</th><th>Fee Paid</th></tr></thead><tbody><tr><td>58</td><td>-58** = 0</td><td>9</td><td>0</td></tr><tr><td>Indep. Claims 6</td><td>-6** = 0</td><td>42</td><td>0</td></tr><tr><td>Multiple Dependent</td><td></td><td></td><td>0</td></tr></tbody></table>		Total Claims	Extra Claims	Fee from below	Fee Paid	58	-58** = 0	9	0	Indep. Claims 6	-6** = 0	42	0	Multiple Dependent			0																																																																																																																																																		
Total Claims	Extra Claims	Fee from below	Fee Paid																																																																																																																																																																
58	-58** = 0	9	0																																																																																																																																																																
Indep. Claims 6	-6** = 0	42	0																																																																																																																																																																
Multiple Dependent			0																																																																																																																																																																
<table border="1"><thead><tr><th>Large Entity</th><th>Small Entity</th><th>Fee Description</th><th>Fee Paid</th></tr><tr><th>Fee Code (\$)</th><th>Fee Code (\$)</th><th></th><th></th></tr></thead><tbody><tr><td>1202 18</td><td>2202 9</td><td>Claims in excess of 20</td><td></td></tr><tr><td>1201 84</td><td>2201 42</td><td>Independent claims in excess of 3</td><td></td></tr><tr><td>1203 280</td><td>2203 140</td><td>Multiple dependent claim, if not paid</td><td></td></tr><tr><td>1204 84</td><td>2204 42</td><td>**Reissue independent claims over original patent</td><td></td></tr><tr><td>1205 18</td><td>2205 9</td><td>*Reissue claims in excess of 20 and over original patent</td><td></td></tr><tr><td colspan="3">SUBTOTAL (2)</td><td>\$0</td></tr></tbody></table>		Large Entity	Small Entity	Fee Description	Fee Paid	Fee Code (\$)	Fee Code (\$)			1202 18	2202 9	Claims in excess of 20		1201 84	2201 42	Independent claims in excess of 3		1203 280	2203 140	Multiple dependent claim, if not paid		1204 84	2204 42	**Reissue independent claims over original patent		1205 18	2205 9	*Reissue claims in excess of 20 and over original patent		SUBTOTAL (2)			\$0																																																																																																																																		
Large Entity	Small Entity	Fee Description	Fee Paid																																																																																																																																																																
Fee Code (\$)	Fee Code (\$)																																																																																																																																																																		
1202 18	2202 9	Claims in excess of 20																																																																																																																																																																	
1201 84	2201 42	Independent claims in excess of 3																																																																																																																																																																	
1203 280	2203 140	Multiple dependent claim, if not paid																																																																																																																																																																	
1204 84	2204 42	**Reissue independent claims over original patent																																																																																																																																																																	
1205 18	2205 9	*Reissue claims in excess of 20 and over original patent																																																																																																																																																																	
SUBTOTAL (2)			\$0																																																																																																																																																																
*or number of previously paid, if greater. For reissues, see below.																																																																																																																																																																			
SUBMITTED BY																																																																																																																																																																			
Name (print type)		Registration No.	Telephone																																																																																																																																																																
Howard Eisenberg		36,789	(503) 227-5631																																																																																																																																																																
Signature		Date	September 22, 2003																																																																																																																																																																

RECEIVED
OCT 01 2003
TECH CENTER 16042900